(6)

C.S.10d

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT

BILASPUR

W.P.NO. 2842/ 2004

Petitioner	:	Prathmesh Kumar Bangaliya S/o late Shri Virendra Kumar Bangaliya, Aged about 24 years, R/o C/o Arun Bangaliya, Nagar Nigam Colony, Near Raipur Naka, Ring Road, Bilaspur-(C.G.).

P.R. No. 2835/04
Presented by Shri Deepak Jain
dated 24-8-04

Versus

Respondents	R.1.	State of Chhattisgarh, Through the secretary Home Department D.K.S Bhawan Raipur, Dist : Raipur-(C.G.)
	2.	Chhattisgarh State Electricity Board Through its Chairman, C.S.E.B. Danganiya Raipur Dist: Raipur- (C.G.)
	R 3.	The Additional Secretary, C.S.E.B. Danganiya Raipur Dist: Raipur- (C.G.)
	4.	The Chief Engineer, Kalyan Adhikari Region Bilaspur Dist : Bilaspur -(C.G.).
	5.	The Executive Engineer, Champa, Dist : Janjgir (C.G.)
	R 6.	Union of India, Through the Chief Secretary Department of Personal & Training & Public Grievances, Shastri Marg, New Delhi

RECEIVED-COPY
26/8/04
Clerk to A.G. Bilaspur

Received copy
23/8/04
Govt. Standing Counsel
HIGH COURT

Received copy
23/8/04
Advocate

Received copy
23/8/04
Advocate

ARC 13/9/04

T PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner

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Clerk to Shri

HARI

Hg petr
order dated
31/8/04
amended by
me
13/9/04

7. State of M.P.
Through : The Secretary
M.P.E.B. Department,
Valabh Bhavan,
Bhopal (M.P.)

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(161)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2842/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7-7-2006 Mr. Deepak Jain, counsel for the petitioner. Mr. A.S. Kachhawaha, Govt. Advocate for the State/respondent No.1. Mr. A.S. Gaharwar with Mr. Pawan Shrivastava, counsel for respondents No.2 to 5. Mr. S.K. Beriwal, Central Govt. Counsel for Union of India/respondent No.6. Mr. Vivek Verma, counsel for respondent No.7. Heard. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has prayed for a direction to the respondents to consider the case of the petitioner for compassionate appointment and prayed for quashing the order dated 25-6-2004 (Annexure P-3), whereby the petitioner has been informed that he is not eligible for appointment on compassionate ground. The case of the petitioner is that his father Late Virendra Kumar Bangaliya, who was working as Assistant Grade-II at Naila-Champa, died in harness on 26-9-1999. The petitioner is qualified upto Class-XII, therefore, he made application dated 12-10-1999 (Annexure P-2) for compassionate appointment. However, vide communication dated 25-6-2004 (Annexure P-3), he has been informed that he is not eligible for compassionate appointment. The petitioner made representation, but nothing has been heard on behalf of the respondents. Reply has been filed on behalf of CSEB in which it has been mentioned that the petitioner's case cannot be considered as per the policy dated 28-2-2004, whereby it has been decided that the dependants of those employees who died on or after 15-11-2000 are entitled for compassionate	

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appointment. Under the M.P. Reorganisation Act, 2000, the State of Chhattisgarh was carved out with effect from 1-11-2000 and thereafter, MPEB was bifurcated according to the territories of the States of M.P. & Chhattisgarh w.e.f. 15-11-2000. As per the provisions of sub-section (4) of Section 58 of the M.P. Reorganisation Act, 2000, the assets and liabilities and employees of undivided Board are to be distributed among MPEB and CSEB. Vide order dated 6th January, 2004, Government of India, Ministry of Power, issued an order in which it has been mentioned that representatives of both the States agreed in a meeting taken by the Secretary (Power) on 20th March, 2003, that the division of employees would be in line with policy adopted for division of employees of MP Government. In para 2, it has been mentioned that the matter has been considered and in partial modification of provisional order dated 12th April, 2001, so far as relating to the division of employees it has been decided finally to divide the posts and employees on the lines followed by DOPT for allocation of post and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective States and similarly employees belonging to such sub State territorial cadres being allocated to concerned State and only dividing the remaining posts and employees between the two States.

Therefore, distribution of employees has been made on the basis of territorial jurisdiction of CSEB and MPEB. It is admitted position that the petitioner's father was working at Naila-Champa up to the date when he died in harness on 26-9-1999, when the policy of 30th January, 1997 regarding compassionate appointment was in existence and the petitioner applied for compassionate appointment on 12-10-1999. As the petitioner's father was

(पीछे देखिये)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2842/ **सन्** **2004**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित – 3 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	working under the territory of CSEB, therefore, the petitioner is entitled for consideration of compassionate appointment in accordance with the policy dated 30th January, 1997. I am fortified in my view for the above finding for the reason that even the State of Chhattisgarh, which came into existence on 1-11-2000, has taken a decision that dependants of those employees who died on or after 1-11-1997 and were working in the existing territory of Chhattisgarh, are entitled for compassionate appointment. Accordingly, the petition is allowed and respondent CSEB is directed to consider the case of the petitioner for compassionate appointment, of course if he is eligible to be considered, in accordance with the policy dated 30th January, 1997. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

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(पीछे देखिये)